

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

SOL D. STEPHENS,

Plaintiff,

v.

MICHIGAN CITY AREA SCHOOL  
SYSTEM and INDIANA STATE  
TEACHER'S ASSOCIATION,

Defendants.

CAUSE NO. 3:04-CV-477 RM

**REPORT AND RECOMMENDATION**

Plaintiff, proceeding *pro se*, initially filed this claim on July 21, 2004. On October 19, 2005, this Court issued an order for written status reports, requesting that parties submit individual status reports by November 7, 2005, so that this Court could issue a scheduling order pursuant to its obligation under Fed. R. Civ. P. 16(b). Plaintiff failed to respond to this order, and on November 22, 2005, this Court issued an order directing Plaintiff to show cause why his case should not be dismissed for his failure to prosecute his claim and comply with the Court's October 19, 2005 order. Plaintiff was ordered to file a response by December 21, 2005, and was warned, pursuant to Timms v. Frank, 953 F.2d 281, 285-286 (7th Cir. 1992) and Lewis v. Faulkner, 689 F.2d 100 (7th Cir. 1982), that failure to obey this Court's order would result in a dismissal of his case.

Under Fed. R. Civ. P. 41, a plaintiff's case may be dismissed for his failure to prosecute his claim or to comply with court orders. Plaintiff has failed to comply with two court orders, and has provided no written documentation explaining his inaction. Therefore, because Plaintiff

has failed to prosecute his case and has violated two court orders, this Court **RECOMMENDS** that Plaintiff's case be **DISMISSED WITHOUT PREJUDICE**.

**NOTICE IS HEREBY GIVEN that within ten (10) days after being served with a copy of this recommended disposition a party may serve and file specific, written objections to the proposed findings and/or recommendations. Fed.R.Civ.P. 72(b). FAILURE TO FILE OBJECTIONS WITHIN THE SPECIFIED TIME WAIVES THE RIGHT TO APPEAL THE DISTRICT COURT'S ORDER.**

**SO ORDERED.**

Dated this 6<sup>TH</sup> Day of January, 2006.

s/Christopher A. Nuechterlein  
Christopher A. Nuechterlein  
United States Magistrate Judge

cc: Stephens